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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------|------------------|
| 10/687,243 | 10/15/2003 | Gregory B. Hale | 58085-010202 | 9388 |
| 33717 | 7590 | 08/06/2004 | EXAMINER | |
| GREENBERG TRAURIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404 | | | HARTMAN JR, RONALD D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2121 | |

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|------------------------------------|--|
| Office Action Summary | Application No. 10/687,243 | Applicant(s) HALE ET AL. | |
| | Examiner Ronald D Hartman Jr. | Art Unit 2121 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are presented for examination.

Claim Objections

2. Claims 1-17 are replete with numerous changes that should be applied in order to form claims that are grammatically correct and to set forth clear and concise claim language, with regards to the claimed invention. A non-exhaustive listing is as follows:

- The preamble of claim 1 should be rewritten as follows:
A method of managing the loading of patrons of multiple attractions, in an entertainment environment, wherein patrons are permitted access to an attraction on at least two basis, the first being a first in first out basis and the second being a priority basis, established by a prior allocation of a space of the attraction, the method comprising:
- The preamble of claim 10, although directed towards a system, should be rewritten in a manner similar to claim 1 above.
- Claim 2, line 2, replace "those" with "patrons".
- Claim 3, line 3, replace "those" with "patrons". Also, line 4, add "priority" before "request".
- Claims 4-9, line 2, replace "permitting to" with "permitted for". Also, line 2, respectively, "selected patrons" is confusing since there was no previous mention of a patron selection step. Furthermore, in regards to claims 7-9, line 2, respectively, "selected group" is confusing since there was no previous mention of a group being selected.

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- Claims 7-9 and 12, line 3, add “, the selected group being associated with” before “at least one”.
- Claims 11-12, line 2, “to selected patrons” is confusing since there was no previous mention of a patron selection step.
- Claim 13, line 2, delete “essentially”. Also, replace “such” with “the”.
- Claim 15 should be rewritten as follows:

A method as claimed in claim 1, including a computing process to determine a mix ratio of the number of accesses granted using a priority access and the number of non priority accesses, so that further accesses may be granted through a real time computing method.
- Claim 16, line 1, delete “the ability”. Also, line 3 should read, “exchange or return permits updating the computation of the load of an attraction.”

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 13-14 and 16 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sim, U.S. Patent No. 6,529,786.

As per claim 1, Sim teaches a method of managing the loading of patrons of multiple attractions, in an entertainment environment, wherein patrons are permitted access to an attraction on at least two basis, the first being a first in first out basis and the second being a priority basis, established by a prior allocation of a space of the attraction (e.g. Figure 7; element 105 and 103, respectively) the method comprising:

- a means for creating priorities for patrons (e.g. C17 L30-37);
- permitting the patrons access to an attraction by permitting a request for allocation of a space on the attraction, the request being generated remote to a central computer, wherein the central computer regulates the load of the attraction, whereby available times are offered to the patrons, and a patron may then decide which of the available times the patron or patrons would prefer (e.g. Figures 2-3; C1 L10-18; C8 L5-17; C8 L42-58; C9 L29-60; C10 L52-67; C11 L1-20); and
- using an operation to provide the patrons with priorities access to the first attraction (e.g. Figure 7; elements 100-102 and C10 L52-67).

As per claim 1, although not explicitly mentioned, a hierarchy, as best understood by the examiner, represents the reserved times for attractions, and since the reservation of times for patrons is clearly taught by Sim, it is believed that a hierarchy for the patrons is inherent to Sim since a chronological ordering, based on time, for reservation times is taught by Sim.

As per claim 2, Sim teaches that the reservation times are determined based on patron's requests emanating remote to the environment and patron's requests emanating at the environment (e.g. C17 L30-55).

As per claim 3, Sim teaches a facility associated with the environment (e.g. Figure 6; elements 1-5).

As per claims 4-6, Sim teaches allocating times for multiple attractions (e.g. Figures 2-3).

As per claims 7-9, Sim teaches allocating times for multiple attractions and different groups of patrons (e.g. Figures 2-3 and C17 L14-23).

As per claims 13-14, Sim teaches using RF identification means when entering an attraction (e.g. C16 L64-67).

As per claim 16, Sim teaches allowing a patron to cancel or reschedule (e.g. C16 L38-41).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, U.S. Patent No. 6,529,786.

As per claims 1 and 10, Sim teaches a method of managing the loading of patrons of multiple attractions, in an entertainment environment, wherein patrons are permitted access to an attraction on at least two basis, the first being a first in first out basis and the second being a priority basis, established by a prior allocation of a space of the attraction (e.g. Figure 7; element 105 and 103, respectively) the method comprising:

- a means for creating priorities for patrons (e.g. C17 L30-37);
- permitting the patrons access to an attraction by permitting a request for allocation of a space on the attraction, the request being generated remote to a central computer, wherein the central computer regulates the load of the attraction, whereby available times are offered to the patrons, and a patron may then decide which of the

available times the patron or patrons would prefer (e.g. Figures 2-3; C1 L10-18; C8 L5-17; C8 L42-58; C9 L29-60; C10 L52-67; C11 L1-20); and

- using an operation to provide the patrons with priorities access to the first attraction (e.g. Figure 7; elements 100-102 and C10 L52-67).

As per claims 1 and 10, although Sim teaches patrons having priorities, Sim does not specifically teach a hierarchy for the patrons, but this feature is believed to be obvious over Sim, and this feature would have been obvious to one of ordinary skill in the art at the time the invention was made since it would provide for a simple means by which the actual reservation times may be stored chronologically using a hierarchy of time slots.

As per claim 10, Sim teaches a receiver and a selection device (e.g. Figure 1). Furthermore, although Sim does not specifically a table, per se, it is a feature that would have been obvious to one of ordinary skill in the art at the time the invention was made for the purpose of providing a simple means by which allocated times and available times may be easily organized (i.e. spreadsheet).

As per claim 2, Sim teaches that the reservation times are determined based on patron's requests emanating remote to the environment and patron's requests emanating at the environment (e.g. C17 L30-55).

As per claim 3, Sim teaches a facility associated with the environment (e.g. Figure 6; elements 1-5).

As per claims 4-6 and 11, Sim teaches allocating times for multiple attractions (e.g. Figures 2-3).

As per claims 7-9 and 12, Sim teaches allocating times for multiple attractions and different groups of patrons (e.g. Figures 2-3 and C17 L14-23).

As per claims 13-14, Sim teaches using RF identification means when entering an attraction (e.g. C16 L64-67).

As per claims 15 and 17, although Sim does not explicitly describe a mix ratio which equals the number of patrons using both the first and second basis, or non use of the second basis, this calculation would have been obvious to one of ordinary skill in the art at the time the invention was made since it represents capacities that affect the overall optimization of the park, and therefore, to account for these contributions would only add to the desired effectiveness of Sim, and therefore their inclusion would be equally obvious since this is the intent of Sim, that is, to provide a means by which patrons may utilize attractions within a theme park while minimizing their respective waiting times.

As per claim 16, Sim teaches allowing a patron to cancel or reschedule (e.g. C16 L38-41).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.

Examiner

Art Unit 2121

Ramesh Patel
RAMESH PATEL 8/4/04
PRIMARY EXAMINER
For Anthony Knight.